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Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

I HEREBY CERTIFY that on this 14th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Cynthia B. Bowden, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, Representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



VICINITY MAP
SCALE: 1" = 1,000'

PLAT REFERENCE
WINDSOR DALE 7/55

OWNER INFORMATION
GORDON LEE GEORGE JR.
430 TAWNEY DRIVE
TANEYTOWN, MD. 21767

CONTRACT PURCHASER (#2116 ONLY)
BONNI LEIGH CONSTRUCTION
 2460 TWIN KNOLL CIRCLE
 REISTERSTOWN, MARYLAND 21136

**PETITIONER'S
EXHIBIT** 1

PLAT TO ACCOMPANY PETITION FOR VARIANCE

#2114 & #2116 SUNBRIAR ROAD

1st ELECTION DISTRICT
BALTIMORE COUNTY, MD.

94-422-A

McKEE & ASSOCIATES, INC.

ENGINEERING SURVEYING REAL ESTATE DEVELOPMENT

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555

IN RE: PETITIONS FOR VARIANCE
NW/8 Sunbriar Road, 366' & 416' NE
of the c/l of Windsor Mill Road
(2114 & 2116 Sunbriar Road)
1st Election District
1st Councilmanic District
Gordon Lee George, Jr.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case Nos. 94-421-A and
94-422-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the subject properties known as 2114 and 2116 Sunbriar Road, located off of Windsor Mill Road in western Baltimore County. The Petitions were filed by the owner of the properties, Gordon Lee George, Jr., and the Contract Purchaser of 7116 Sunbriar Road, Ronni-Leigh Construction, by Rick Klein. In Case No. 94-421-A, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road. In Case No. 94-422-A, the Petitioners seek relief from Sections 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road. The subject properties and relief sought for each are more particularly described on the plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petitions were Gary L. George, Sr., Cynthia Bowden with McKee and Associates, Inc., and Rick Klein. There were no Protestants present.

Testimony revealed that the property known as 2114 Sunbriar Road, consists of 0.170 acres, more or less, zoned D.R. 5.5 and is improved with

If the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the lands and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of June, 1994 that the Petition for Variance in Case No. 94-421-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-422-A seeking relief from Sections 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

- 3 -

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Mr. Gordon Lee George, Jr.
430 Taney Drive
Towson, Maryland 21287

RE: PETITIONS FOR VARIANCE
NW/8 Sunbriar Road, 366' & 416' NE of the c/l of Windsor Mill Road
(2114 & 2116 Sunbriar Road)
1st Election District - 1st Councilmanic District
Gordon Lee George, Jr. - Petitioner
Case No. 94-421-A and 94-422-A

Dear Mr. George:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Cynthia B. Bowden
McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030

Mr. Rick Klein, Ronni-Leigh Construction
2460 Twin Knoll Circle, Reisterstown, Md. 21136

People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting 5/24/94
Posted for: Variance
Petitioner: Gordon Lee George, Jr. & Ronni-Leigh Construction
Location of property: 2114 & 2116 Sunbriar Rd., NW/8 Windsor Mill Rd.
Location of Signs: Posting on property being zoned
Remarks: None
Posted by: Matthew Date of return: 5/27/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/12, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12, 1994

THE JEFFERSONIAN.

G. Henshaw
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, for authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein: Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 115, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case 94-422-A (Item 405)
2116 Sunbriar Road, NW/8 Sunbriar Road, 416' NE of Windsor Mill Road
1st Election District
1st Councilmanic District
Legal Counsel: Gordon Lee George, Jr. Contract Purchaser: Ronni-Leigh Construction
Hearing: Wednesday, June 8, 1994 at 10:00 a.m. in Room 115, Old Courthouse.
Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet).
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible. For special accommodations Please Call 887-3392. (2) For information concerning the Public Hearing, Please Call 887-3391. (3) June 15, 1994

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Date 4-25-94

Gordon L. George

Site: 2116 Sunbriar Rd.

#010 Residential Variance Filing fee \$50.00
#080 Sign + posting 35.00
Total \$85.00

03A03M0157MICHRC

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 2116 Sunbriar Road which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 (Development Standards for small lots or tracts) to allow a minimum lot width of 50' for #2116 Sunbriar Road (instead of the minimum 55'); and to allow a side yard setback of 9 feet (instead of the minimum 10') for the existing dwelling at #2114 Sunbriar Road. Although, owned by the same person, these two lots have always been noted in the deeds as two separate tracts of land, and in fact, have two separate addresses. The owner now wishes to sell the unimproved lot and the contract purchaser wants to construct a new dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Case: (#2116 only)

Rick Klein

Ronni-Leigh Construction

Signature *Rick Klein*

2460 Twin Knoll Circle

Reisterstown, Maryland 21136

Signature *Gordon Lee George, Jr.*

430 Toney Dr 756 4630

Towson, Md 21287

Signature *Cynthia D. Bowden*

McKee & Associates, Inc. (410) 527-1555

5 Shawan Road, Hunt Valley, MD 21030

Signature *Matthew*

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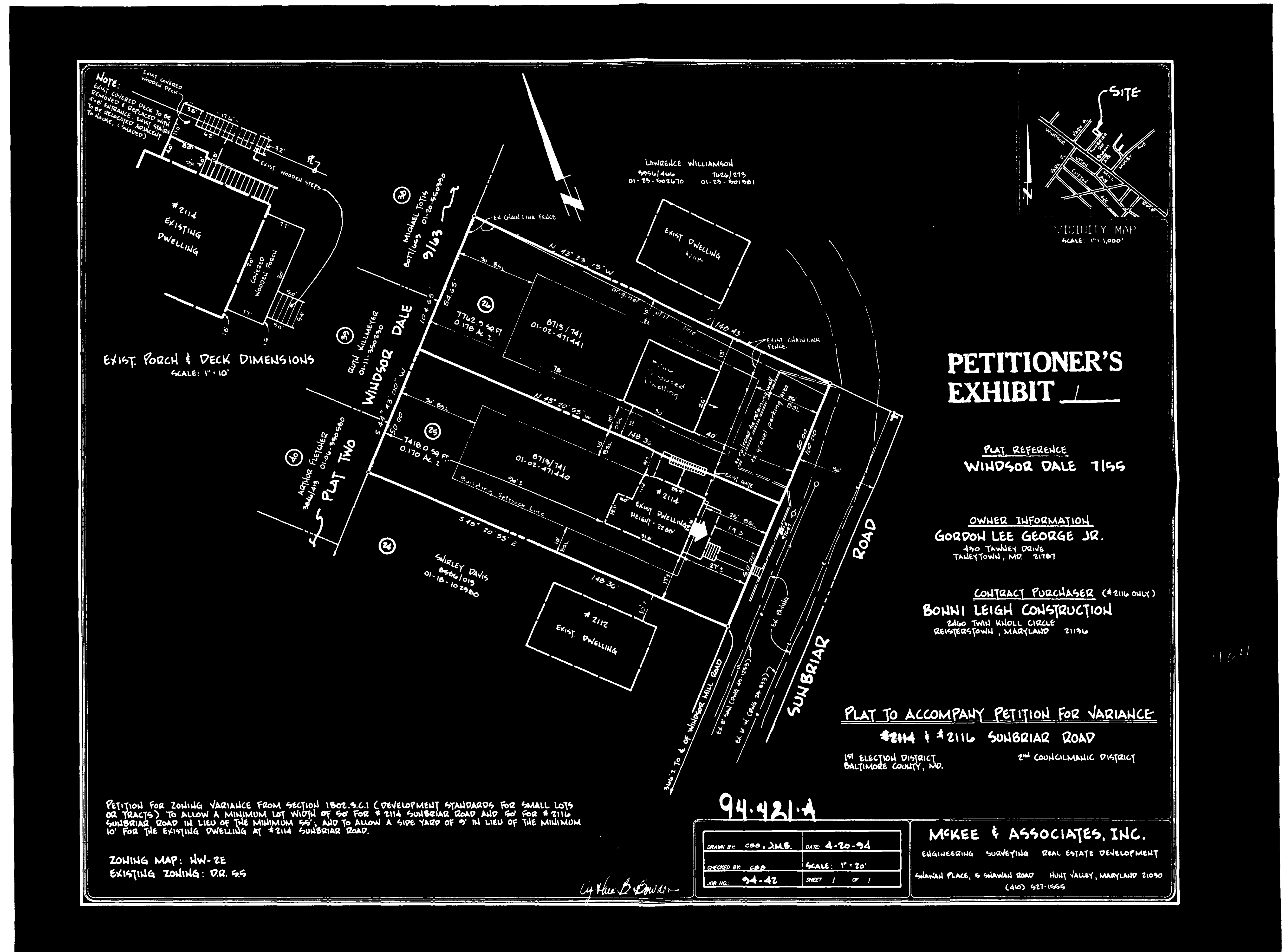
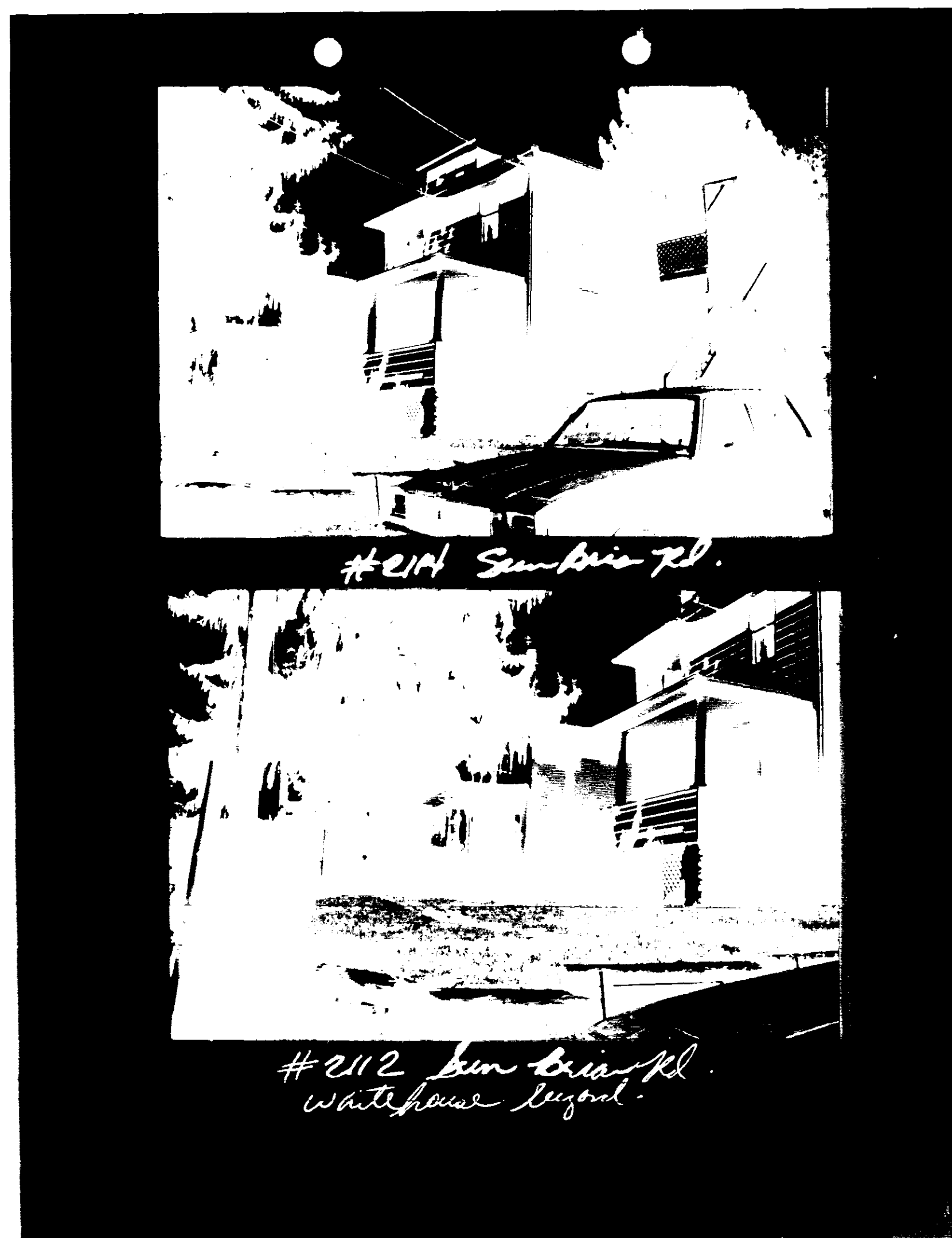
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4-22-94
94-421-A

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bodley Ave
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Gordon Lee George, Jr. (see below)

Lot Address: 2114 Sunbriar Road Election District: 1 Council District: 2 Square Feet: 7418

Lot Location: W 150' side of Sunbriar Road, 366' NE of c/l Windsor Mill Rd

Lead Owner: Gordon Lee George, Jr. Tax Account Number: 91-02-471440

Address: 430 Tawney Drive Telephone Number: 756-4630
Lanham, Md 21101

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

PROVIDED?	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Site Plan (Property 3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (owner's and others)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Randomized Processing Fee Paid
Codes 000 & 002 (\$85)

Accepted by: ZADM
Date: _____

RECOMMENDATIONS/COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Ervin McDaniel Date: May 2, 1994
For the Director, Office of Planning & Zoning

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 05/05/94

RECEIVED
MAY 6 1994
ZADM

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 603, 604, 605, 607, 608, 609, 610, 612, 613, AND 614.

RECEIVED
MAY 6 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on: Recycled Ink on Recycled Paper

RE: PETITION FOR VARIANCE
NW/8 Sunbriar Road, 366' NE
of c/l Windsor Mill Road
(2114 Sunbriar Road), 1st
Election Dist., 1st
Councilmanic Dist.

GORDON LEE GEORGE, JR.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 94-421-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. DeMilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Cynthia B. Bowden, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, Representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

94-421-A

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (410) 527-1555 HUNT VALLEY, MARYLAND 21030
FACSIMILE: (410) 527-1563

DATE: April 22, 1994

TO: Baltimore County RE: 2114 & 2116 Sunbriar Road

Planning Office

ATTENTION: Trv McDaniel

Gentlemen:

☐ We are submitting ☐ Herewith ☐ Under separate cover

☐ We are forwarding

☐ We are returning

No.	Description
1	Copy of zoning package as submitted for variance + form photographs

☒ For processing ☐ For your use

☒ For your review ☐ Please call when ready

☐ In accordance with your request ☐ Please return to this office

Remarks:

RECEIVED
APR 25 1994
OFFICE OF PLANNING & ZONING

For further information, please contact the writer at this office.

Very truly yours,
McKee & Associates Inc.
Cynthia B. Bowden
Cynthia B. Bowden, L.S.

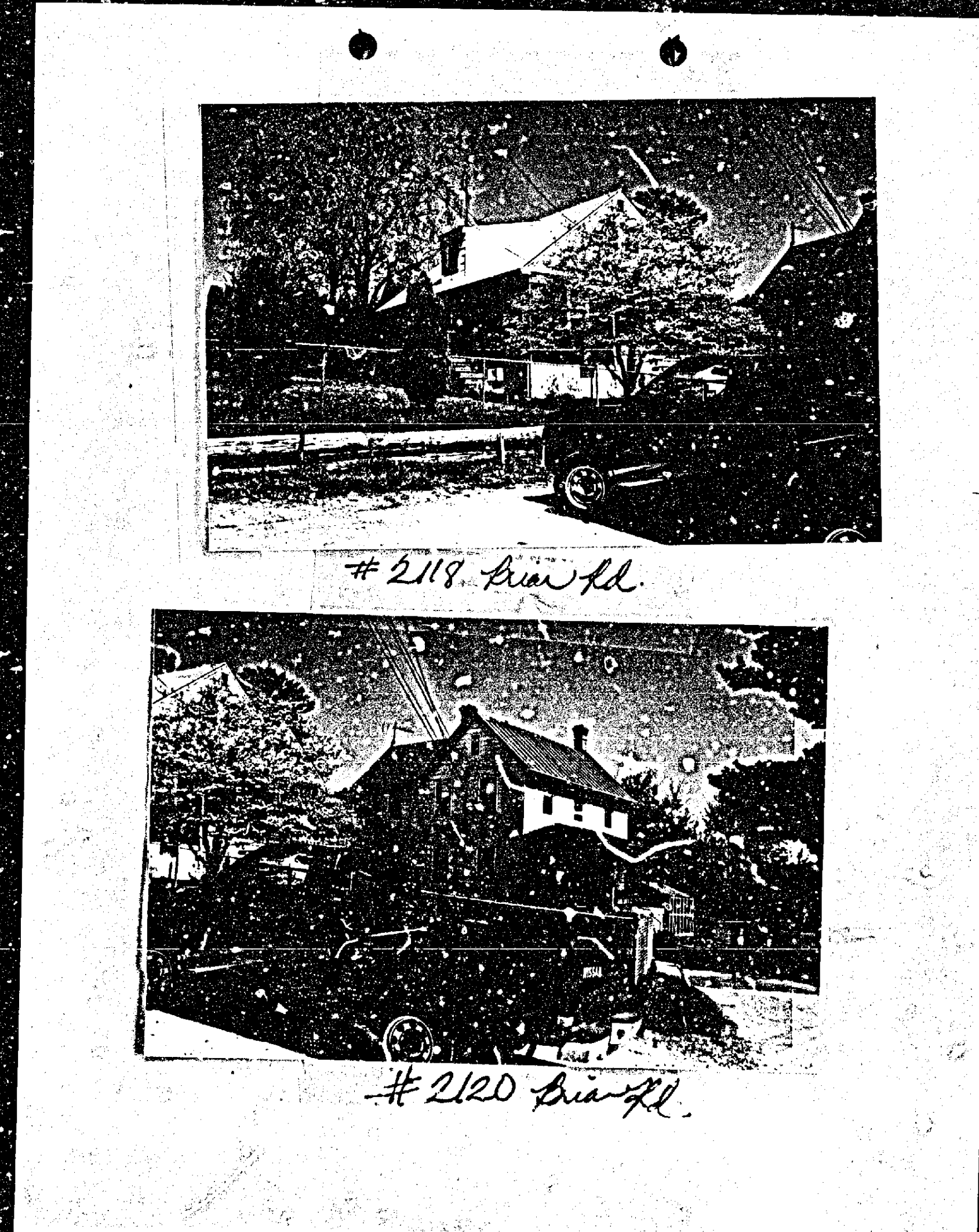
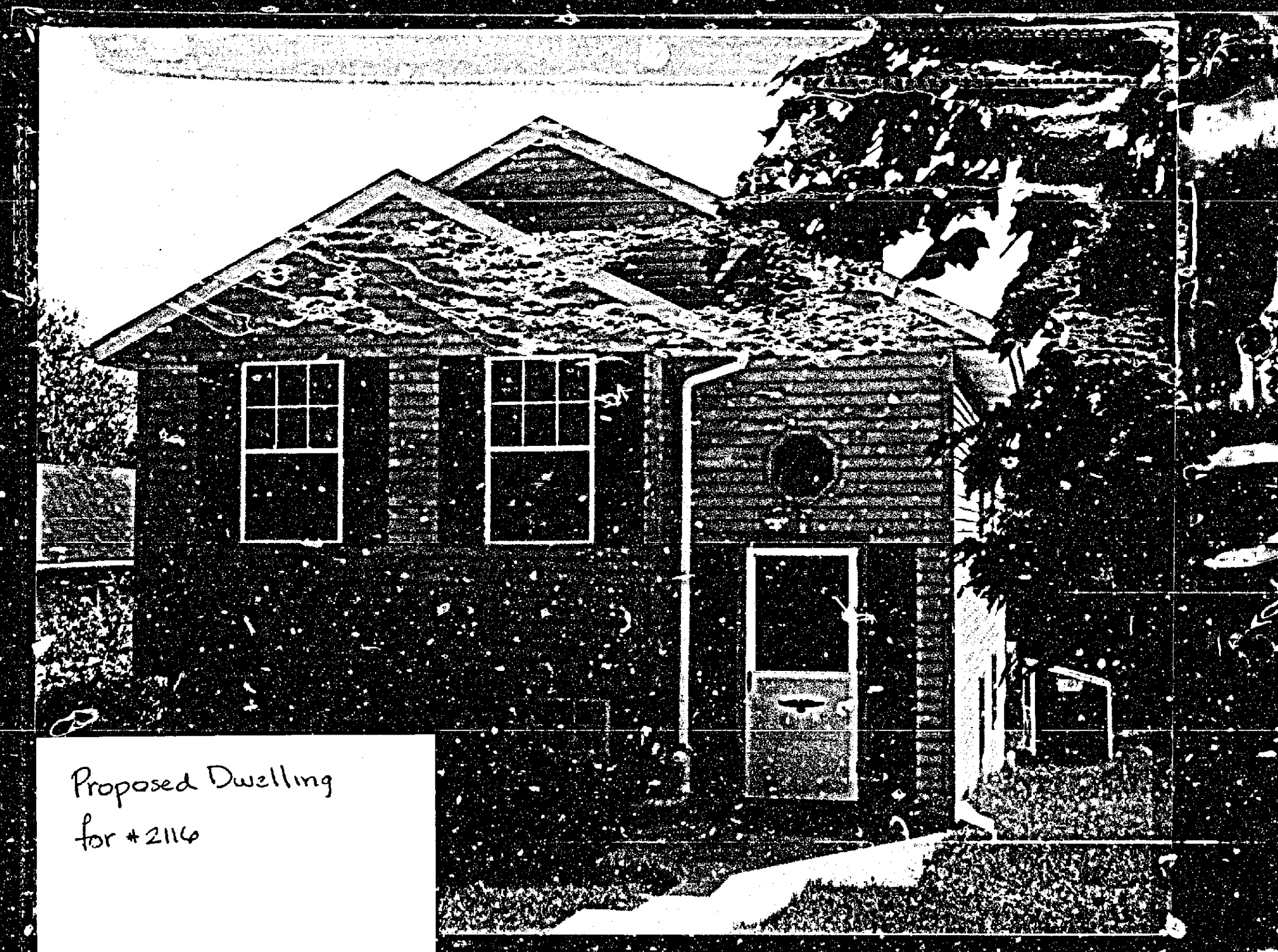
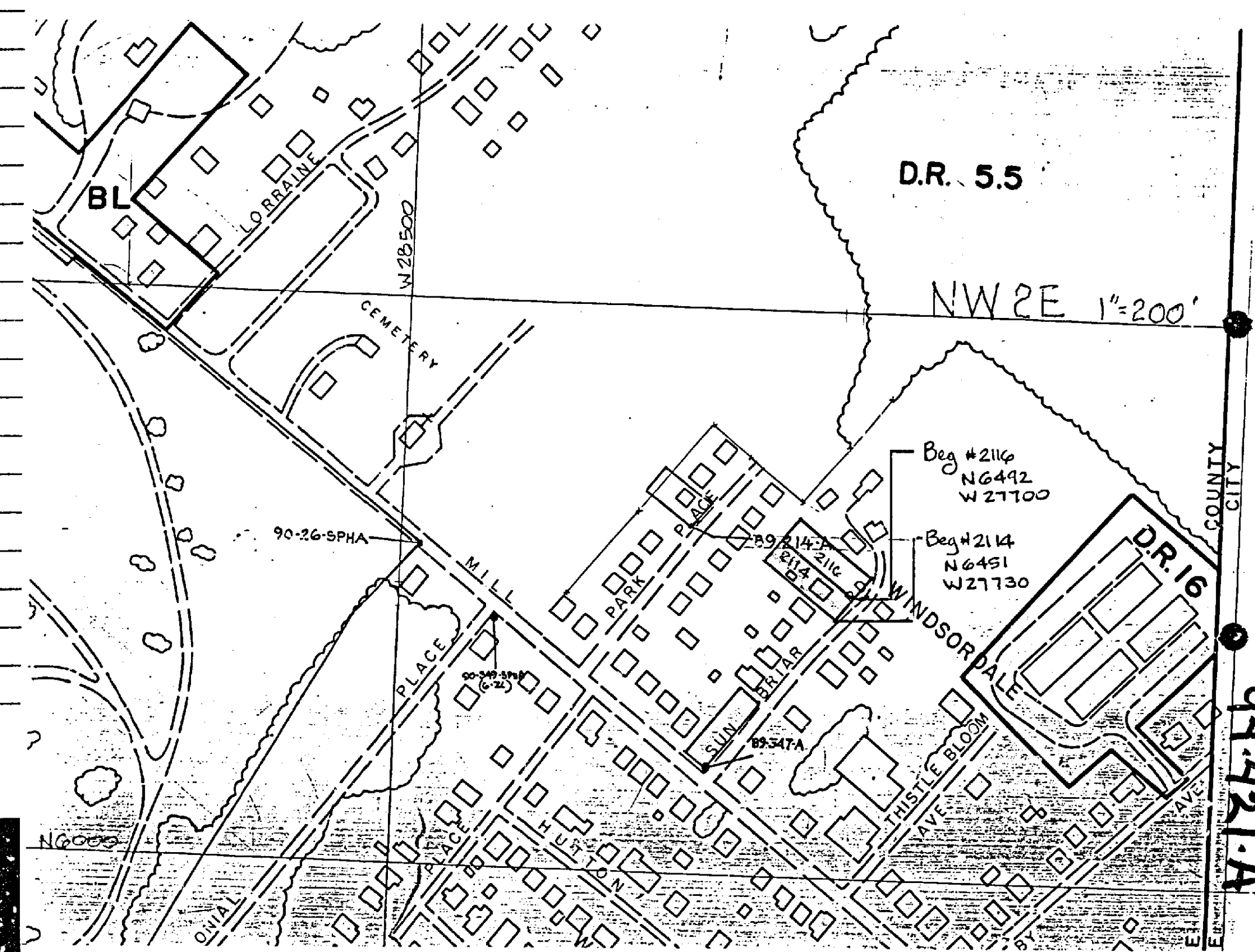
Enclosures

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Cynthia Bowden</u>	<u>Hunt Valley 21030</u>
<u>Gay L. George, Jr.</u>	<u>McKee Assoc. 5 Shawan Rd</u>
<u>Rick Kle</u>	<u>14 Coronet Dr. Linthicum, Md. 21090</u>
	<u>2460 Twin Knolls Circle Dr. 21136</u>

94-421-A



94-421-A
receipt

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Item Number: 404
Taken in by: [Signature]

Date: 4-25-94
Gordon L. George
Site: 2114 Sunbriar Rd.
010 Residential Variance Meeting fee 50.00
080 Sign + posting 35.00
Total \$85.00

03AD37H015AM1CH6C \$85.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

94-421-A

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 404
Petitioner:
Location:
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Bonni Leigh Construction
ADDRESS: 2460 Twin Knoll Circle
Reisterstown Md 21136
* PHONE NUMBER: 239-6343

MUST BE SUPPLIED

94-421-A

TO: PUTNEY PUBLISHING COMPANY
May 12, 1994 Issue - Jeffersonian

Please forward billing to:
Bonni Leigh Construction
2460 Twin Knoll Construction
Reisterstown, Maryland 21136
239-6343

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-421-A (Item 404)
2114 Sunbriar Road
NW/8 Sunbriar Road, 366' NE of c/l Windsor Mill Road
1st Election District - 1st Councilmanic
Petitioner(s): Gordon Lee George, Jr.
HEARING: WEDNESDAY, JUNE 8, 1994 at 10:00 a.m. Rm. 118 Old Courthouse.

Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet); and to allow a side yard of 9 feet (instead of the minimum 10 feet) for the existing dwelling.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

94-421-A

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-421-A (Item 404)
2114 Sunbriar Road
NW/8 Sunbriar Road, 366' NE of c/l Windsor Mill Road
1st Election District - 1st Councilmanic
Petitioner(s): Gordon Lee George, Jr.
HEARING: WEDNESDAY, JUNE 8, 1994 at 10:00 a.m. Rm. 118 Old Courthouse.

Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet); and to allow a side yard of 9 feet (instead of the minimum 10 feet) for the existing dwelling.

Arnold Jablon, Director

cc: Gordon Lee George, Jr.
Kofee & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

May 31, 1994

Mr. Gordon Lee George, Jr.
430 Taney Drive
Towson, Maryland 21204

RE: Case No. 94-421-A, Item No. 404
Petitioner: Gordon Lee George, Jr.
Petition for Variance

Dear Mr. George:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 25, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 16, 1994
Item No. 404

RWB:sw

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, this site, #2114 Sunbriar Road and Lot 28 (proposed #2116) create a minor subdivision, which will be subject to the Baltimore County Development Regulations, Divisions 3, 4 and 5. See Item #405 (#2116 Sunbriar Road).

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-6-94

Ms. Charlotte Minton
Zoning Administration and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 404 (JSS)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. HAMSEY, ACTING CHIEF
John Conestable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2253 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: May 18, 1994

SUBJECT: 2114 and 2116 Sun Briar Road

INFORMATION:

Item Number: 404 and 405
Petitioner: Gordon Lee George, Jr.
Property Size: _____
Zoning: D.R. 5.5
Requested Action: _____
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Attached please find copies of comments dated May 2, 1994 which address this office's concerns regarding these companion cases.

Prepared by: Jeffery M. Long
Division Chief: Gary L. Kern
PK/JL:lw

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
NW/4 Sunbriar Road, 366' & 416' NE *
of the c/1 of Windsor Mill Road * DEPUTY ZONING COMMISSIONER
(2114 & 2116 Sunbriar Road) * OF BALTIMORE COUNTY
1st Election District *
1st Councilmanic District * Case Nos. 94-421-A and
Gordon Lee George, Jr. 94-422-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the subject properties known as 2114 and 2116 Sunbriar Road, located off of Windsor Mill Road in western Baltimore County. The Petitions were filed by the owner of the properties, Gordon Lee George, Jr., and the Contract Purchaser of 2116 Sunbriar Road, Ronni-Leigh Construction, by Rick Klein. In Case No. 94-421-A, the Petitioner seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road. In Case No. 94-422-A, the Petitioners seek relief from Sections 1802.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road. The subject properties and relief sought for each are more particularly described on the plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petitions were Gary L. George, Sr., Cynthia Bowden with McKee & Associates, Inc., and Rick Klein. There were no Protestants present.

Testimony revealed that the property known as 2114 Sunbriar Road, consists of 0.170 acres, more or less, zoned D.R. 5.5 and is improved with

a single family dwelling. The adjoining property, known as 2116 Sunbriar Road, consists of 0.178 acres, more or less, also zoned D.R. 5.5 and is presently unimproved. Both properties are located within the Windsor Dale subdivision which was recorded in 1922 and developed with 50-foot wide lots. The Petitions were filed in order to bring the properties into compliance with current regulations and to legalize existing conditions. Testimony indicated that the proposed dwelling at 2116 Sunbriar Road will be built to meet all setback requirements, with the exception of the lot width regulation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the lands and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 1994 that the Petition for Variance in Case No. 94-421-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-422-A seeking relief from Sections 1802.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy N. Kotroco
TIMOTHY N. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Mr. Gordon Lee George, Jr.
430 Taney Drive
Towson, Maryland 21207

RE: PETITIONS FOR VARIANCE
NW/4 Sunbriar Road, 366' & 416' NE of the c/1 of Windsor Mill Road
(2114 & 2116 Sunbriar Road)
1st Election District - 1st Councilmanic District
Gordon Lee George, Jr. - Petitioner
Case No. 94-421-A and 94-422-A

Dear Mr. George:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy N. Kotroco
TIMOTHY N. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Ms. Cynthia B. Bowden
McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030

Mr. Rick Klein, Ronni-Leigh Construction
2460 Twin Knoll Circle, Reisterstown, Md. 21136

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2114 Sunbriar Road which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 (Development Standards for small lots or tracts) to allow a minimum lot width of 50' for #2114 Sunbriar Road and 50' for #2116 Sunbriar Road (instead of the minimum 55'); and to allow a side yard of 9' (instead of the minimum 10') for the existing dwelling at #2114 Sunbriar Road. Although owned by the same person, these two lots have always been noted in the deeds as two separate tracts of land, and in fact, have two separate addresses. The owner now wishes to sell the unimproved lot and the contract purchaser wants to construct a new dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person(s) (Name, Address, Phone Number) (2114 only)
Rick Klein
Ronni-Leigh Construction
2460 Twin Knoll Circle
Reisterstown, Maryland 21136
City State Zip
Attorney for Petitioner: [Signature]
Type or Print Name
Signature
Address Phone No.
City State Zip

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

Gordon Lee George, Jr.
[Signature]
Type or Print Name
Signature
Address Phone No.
City State Zip

430 Taney Dr 756-4630
Towson, Md 21207
Cynthia B. Bowden
McKee & Associates, Inc. (410) 527-1555
Name
5 Shawan Road, Hunt Valley, MD 21030
Address
City State Zip

ESTIMATED LENGTH OF HEARING: 1/2 hr.
The following date: [Signature] Next Two Months
ALL OTHER
REVIEWED BY: [Signature] DATE: 6/27/94
* See #405

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

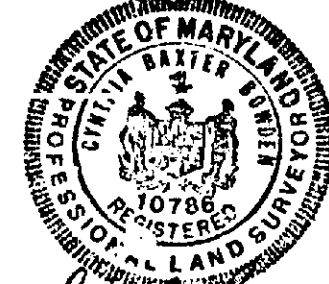
April 11, 1994

DESCRIPTION OF #2114-SUNBRIAR ROAD TO ACCOMPANY PETITION FOR ZONING VARIANCE
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the northwest right-of-way of Sunbriar Road (30 feet wide), approximately 366 feet northeast of the centerline of Windsor Mill Road, at the southernmost corner of Lot 25 as laid out and shown on plat of "Windsor Dale", filed January 11, 1923, and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, folio 55; thence running with and binding on Sunbriar Road and also running with and binding on said Lot 25, as now surveyed and referring all bearings of this description to the above mentioned plat; (1) North 44° 43' 00" East 50.00 feet to a point; thence leaving the road and running with and binding on said Lot 25, the three following courses, viz: (2) North 45° 20' 55" West 148.36 feet to a point; thence (3) South 44° 43' 00" West 50.00 feet to a point; and thence (4) South 45° 20' 55" East 148.36 feet to the beginning.

Containing 7,418.0 square feet, or 0.170 acres of land, more or less.

Being all of Lot 25 as shown on a plat of "Windsor Dale", filed January 11, 1923 and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, folio 55, also being known as 2114 Sunbriar Road.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: 14 days
Petitioner: Gordon Lee George, Jr.
Location of property: 2114 Sunbriar Rd., Md.
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1
Date of return: 6/27/94

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning and Planning Board of Baltimore County, will hold a public hearing on the proposed Variance from the Zoning Regulations (B.C.Z.R.) for the property identified herein, in the House of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland, at 10:00 a.m. on Wednesday, June 8, 1994 at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland. Case #94-421-A (Item 404) 2114 Sunbriar Road, NW/4 Sunbriar Road, 366' & 416' NE of Windsor Mill Road, 1st Election District - 1st Councilmanic District (Petitioner): Gordon Lee George, Jr. Hearing: Wednesday, June 8, 1994 at 10:00 a.m. in Room 118, Old Courthouse. Variance to allow a minimum lot width of 50 feet in lieu of the minimum 55 feet; and to allow a side yard of 9 feet in lieu of the minimum 10 feet for the existing dwelling at 2114 Sunbriar Road. LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County. NOTES: (Hearings are held on case Accessible for special accommodations, please call 887-3391. Information concerning the file prior to filing, please call 887-3391. 9/15/94 May 12.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/12/94

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12/94

THE JEFFERSONIAN,
A. H. Henkle
LEGAL AD. - TOWSON

REF: PETITION FOR VARIANCE
NW/8 Sunbriar Road, 116' NE
of c/s Windsor Mill Road
(2116 Sunbriar Road), 1st
Election Dist., 1st
Councilmanic Dist.
GORDON LEE GEORGE, JR.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-422-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

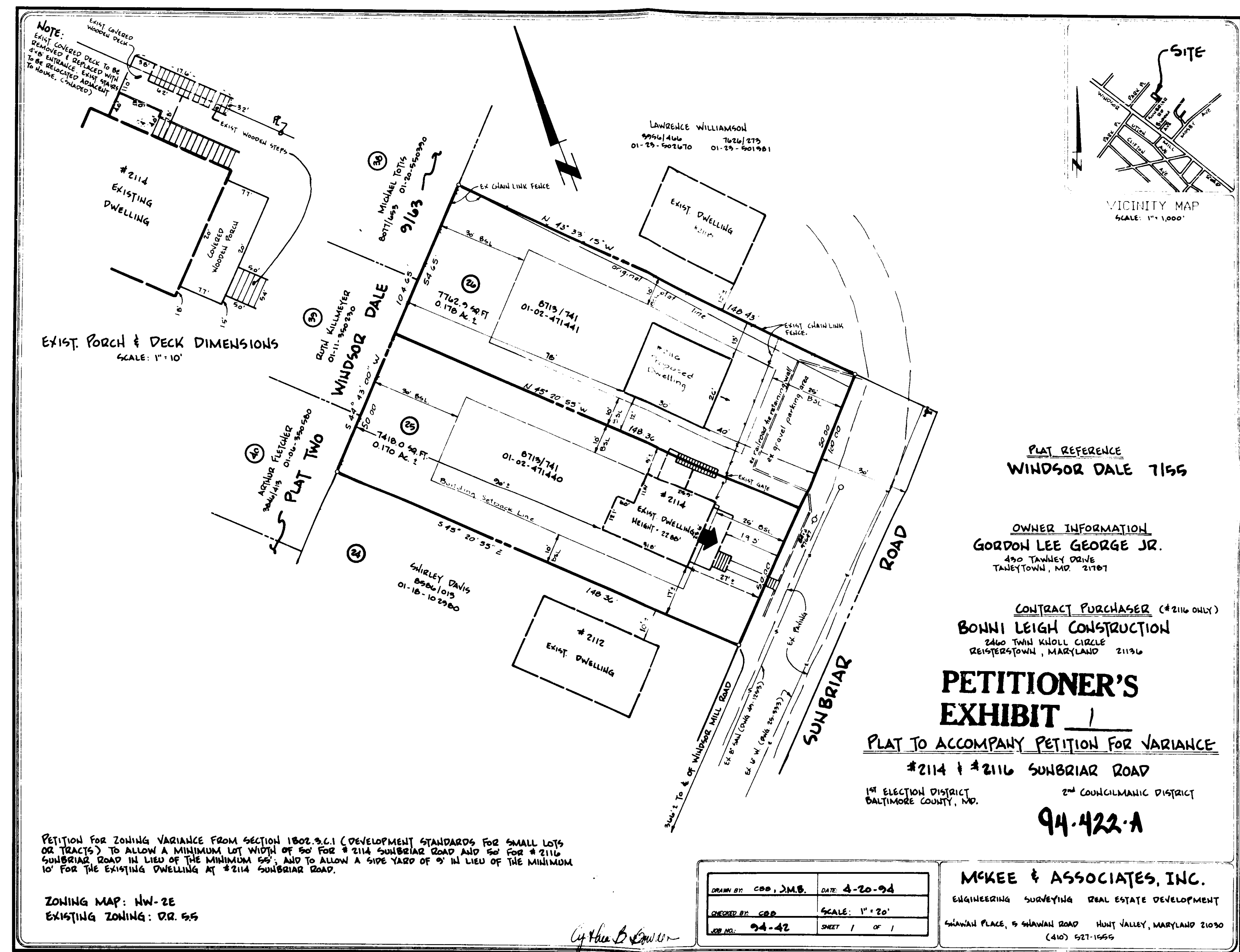
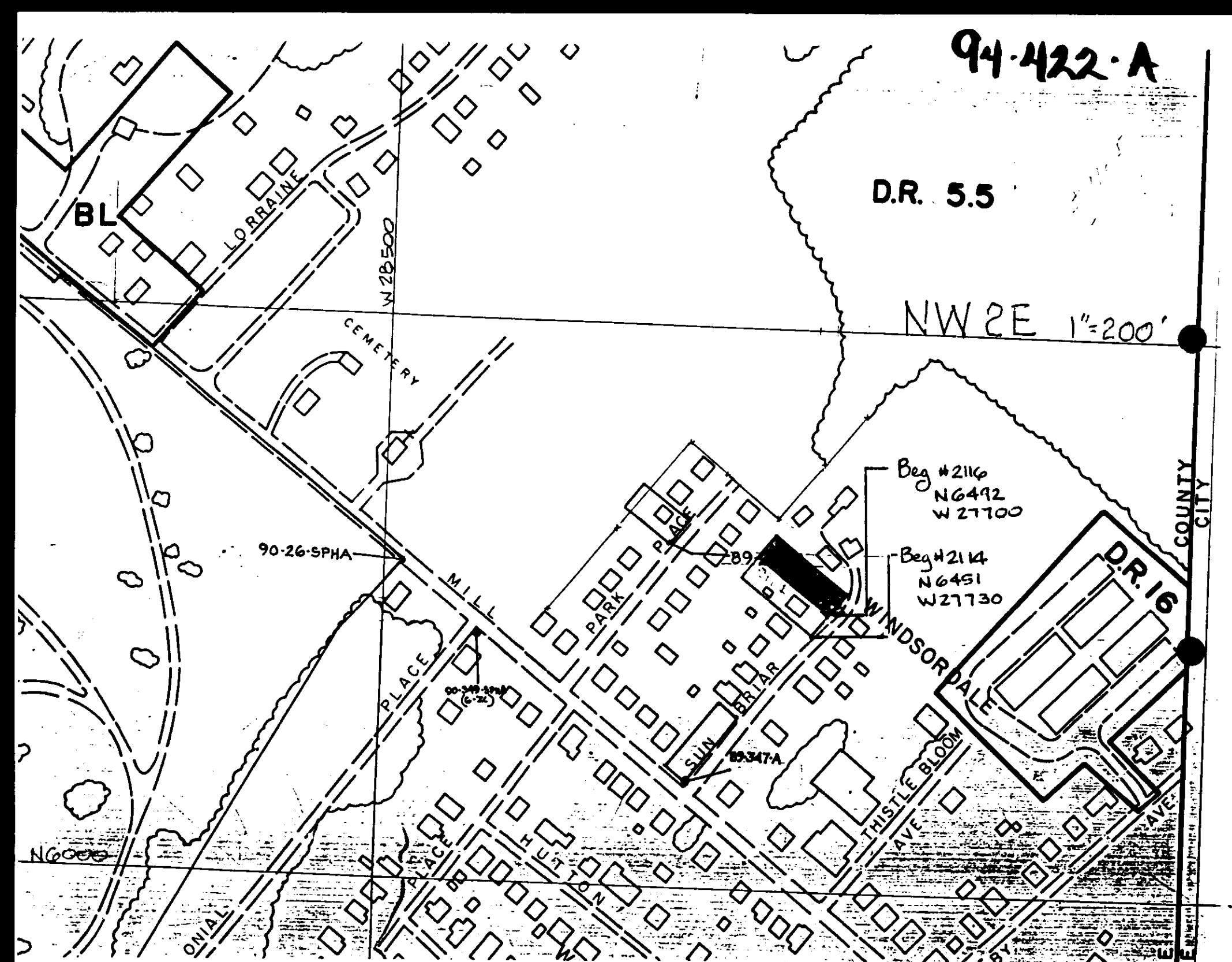
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Cynthia B. Bowden, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, Representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Item Number: 464
Planner: MS
Date Filed: 4-25-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TEXTSOPH)
11/17/93

TO: PUPPOT PUBLISHING COMPANY
May 12, 1994 Issue - Jeffersonian

Please forward billing to:
Boni-Leigh Construction
2460 Twin Knoll Circle
Reisterstown, Maryland 21136
204-6343

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-422-A (Item 405)
2116 Sunbriar Road
NW/2 Sunbriar Road, 415' NE of c/l Windsor Mill Road
1st Election District - 1st Councilmanic
Legal Owner(s): Gordon Lee George, Jr.
Contract Purchaser(s): Boni-Leigh Construction
HEARING: WEDNESDAY, JUNE 8, 1994 at 10:00 a.m. Rm. 118 Old Courthouse.

Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet)

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

111 West Chesapeake Avenue
Towson, MD 21204

MAY 5, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-422-A (Item 405)
2116 Sunbriar Road
NW/2 Sunbriar Road, 415' NE of c/l Windsor Mill Road
1st Election District - 1st Councilmanic
Legal Owner(s): Gordon Lee George, Jr.
Contract Purchaser(s): Boni-Leigh Construction
HEARING: WEDNESDAY, JUNE 8, 1994 at 10:00 a.m. Rm. 118 Old Courthouse.

Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet)

Arnold Jablon
Director

cc: Gordon Lee George, Jr.
Boni-Leigh Construction
McKee & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Optimize Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 11, 1994

(410) 887-3353

Mr. Gordon Lee George, Jr.
410 Tenny Drive
Towson, Maryland 21204

RE: Case No. 94-422-A, Item No. 405
Petitioner: Gordon Lee George, Jr., et al.
Petition for Variance

Dear Mr. George:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 25, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: May 18, 1994

SUBJECT: 2114 and 2116 Sun Briar Road

INFORMATION:

Item Number: 404 and 405

Petitioner: Gordon Lee George, Jr.

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Attached please find copies of comments dated May 2, 1994 which address this office's concerns regarding these companion cases.

Prepared by: Jeffrey M. Las

Division Chief: Amy L. Kern

PK/JL:lw

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 405
401 Bailey Av.
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

RECOMMENDATION APPLICANT SUPPLIED INFORMATION:

Case No. 94-422-A (see below)
C1 Lot Address: 2116 Sunbriar Road Election District 1 Council District 2 Square Feet 7763
Lot Location: S 1/2 of 1/2 of corner of Sunbriar Rd. & 1/2 of 1/2 of corner of Windsor Mill Rd.
Lot Owner: Gordon Lee George, Jr. Tax Account Number: 01-02-471441
Address: 430 Tawney Drive Telephone Number: 756-4630
City/Town: Lantana Md 21787

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO
1. This Recommendation Form (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input type="checkbox"/>
3. Site Plan	<input type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (same size as plans shown)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECOMMENDATIONS/COMMENTS:

☐ Approval ☐ Disapproval ☒ Approval conditioned on required modifications of the permit to conform with the following recommendations:

- The proposed dwelling should emulate the surrounding homes by designing a raised covered porch in the front.
- The existing gravel parking area in front of the proposed dwelling should be removed and replaced with lawn.

Signed by: Ervin McDaniel

Date: May 2, 1994

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 16, 1994
Item No. 405

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, this site is subject to the Baltimore County Development Regulations, Divisions #3, 4 and 5. Also, for a driveway entrance from a road without a curb and gutter, see Department of Public Works Standard Plate R-15.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/94

RECEIVED
MAY 6 1994

ZADM

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 403, 404, 405, 407, 408, 409, 410, 412, 413, AND 414.

RECEIVED
MAY 6 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Optimize Ink
on Recycled Paper

IN RE: PETITIONS FOR VARIANCE
NW/4 Sunbriar Road, 366' & 416' NE
of the c/l of Windsor Mill Road
(2114 & 2116 Sunbriar Road)
1st Election District
1st Councilmanic District
Gordon Lee George, Jr.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case Nos. 94-421-A and
94-422-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the subject properties known as 2114 and 2116 Sunbriar Road, located off of Windsor Mill Road in western Baltimore County. The Petitions were filed by the owner of the properties, Gordon Lee George, Jr., and the Contract Purchaser of 7116 Sunbriar Road, Ronni-Leigh Construction, by Rick Klein. In Case No. 94-421-A, the Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road. In Case No. 94-422-A, the Petitioners seek relief from Sections 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road. The subject properties and relief sought for each are more particularly described on the plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petitions were Gary L. George, Sr., Cynthia Bowden with McKee and Associates, Inc., and Rick Klein. There were no Protestants present.

Testimony revealed that the property known as 2114 Sunbriar Road, consists of 0.170 acres, more or less, zoned D.R. 5.5 and is improved with

If the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the lands and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of June, 1994 that the Petition for Variance in Case No. 94-421-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-422-A seeking relief from Sections 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

- 3 -

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Mr. Gordon Lee George, Jr.
430 Taney Drive
Towson, Maryland 21287

RE: PETITIONS FOR VARIANCE
NW/4 Sunbriar Road, 366' & 416' NE of the c/l of Windsor Mill Road
(2114 & 2116 Sunbriar Road)
1st Election District - 1st Councilmanic District
Gordon Lee George, Jr. - Petitioner
Case No. 94-421-A and 94-422-A

Dear Mr. George:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Cynthia B. Bowden
McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030

Mr. Rick Klein, Ronni-Leigh Construction
2460 Twin Knoll Circle, Reisterstown, Md. 21136

People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting 5/24/94
Posted for: Variance
Petitioner: Gordon Lee George, Jr. & Ronni-Leigh Construction
Location of property: 2114 & 2116 Sunbriar Rd., NW/4 Windsor Mill Rd.
Location of Signs: Posting on property being zoned
Remarks: None
Posted by: Timothy M. Kotrocco Date of return: 5/27/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/12, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12, 1994

THE JEFFERSONIAN.

G. Henshaw
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, for authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein: Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 115, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case 94-422-A (Item 405)
2116 Sunbriar Road, NW/4 Sunbriar Road, 366' & 416' NE of Windsor Mill Road
1st Election District
1st Councilmanic District
Legal Counsel: Gordon Lee George, Jr. Contract Purchaser: Ronni-Leigh Construction
Hearing: Wednesday, June 8, 1994 at 10:00 a.m. in Room 115, Old Courthouse.
Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet).
NOTES: (1) Hearings are non-adversarial. For advisory recommendations please call 887-3391. (2) For information concerning the public hearing, please call 887-3391. (3) June 15, 1994.

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

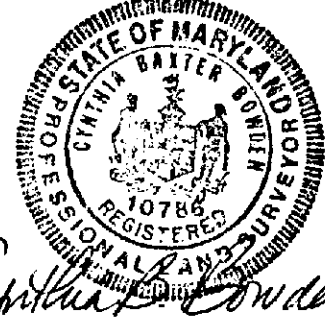
April 11, 1994

DESCRIPTION OF #2116 SUNBRIAR LANE TO ACCOMPANY PETITION FOR ZONING VARIANCE FIRST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same on the northwest right-of-way of Sunbriar Road (30 feet wide), approximately 416 feet northeast of the centerline of Windsor Mill Road at the southernmost corner of Lot 26 as laid out and shown on plat of "Windsor Dale", filed January 11, 1923, and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, folio 55; thence running with and binding on Sunbriar Road, and on a prolongation thereof, as now surveyed and referring all bearings of this description to the above mentioned plat; (1) North 44° 43' 00" East 50.00 feet to a point; thence leaving Sunbriar Road and running (2) North 43° 33' 15" West 148.43 feet to the northernmost corner of Lot 26 as shown on said plat; thence running with and binding on said lot the two following courses, viz: (3) South 44° 43' 00" East 54.65 feet to a point; and thence (4) South 45° 20' 55" East 148.36 feet to the beginning.

Containing 7,762.9 square feet, or 0.178 acres of land, more or less.

Being the second parcel in a deed dated November 18, 1990, and recorded among the Land Records of Baltimore County in Liber 8713, page 741 from Norma E. Bloom Orndorff to Gordon Lee George, Jr., Trustee, which parcel includes all of Lot 26 as shown on said plat, also being known as #2116 Sunbriar Road.



Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 2116 Sunbriar Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 (Development Standards for small lots or tracts) to allow a minimum lot width of 50' for #2116 Sunbriar Road (instead of the minimum 55'); and to allow a side yard setback of 9 feet (instead of the minimum 10') for the existing dwelling at #2114 Sunbriar Road. Although, owned by the same person, these two lots have always been noted in the deeds as two separate tracts of land, and in fact, have two separate addresses. The owner now wishes to sell the unimproved lot and the contract purchaser wants to construct a new dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Case: (#2116 only)

Rick Klein

Ronni-Leigh Construction

Signature: *Rick Klein*

2460 Twin Knoll Circle

Address: Reisterstown, Maryland 21136

City: State: Zipcode:

Signature: *Timothy M. Kotrocco*

Signature: *Gordon Lee George, Jr.*

Signature: *Cynthia D. Bowden*

Signature: *McKee & Associates, Inc.*

Signature: *5 Shawan Road, Hunt Valley, MD 21030*

Signature: *430 Taney Dr 756 4630*

Signature: *Towson, Md 21287*

Signature: *Cynthia D. Bowden*

Signature: *McKee & Associates, Inc. (410) 527-1555*

Signature: *5 Shawan Road, Hunt Valley, MD 21030*

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Signature: *5 Shawan Road, Hunt Valley, MD 21030*

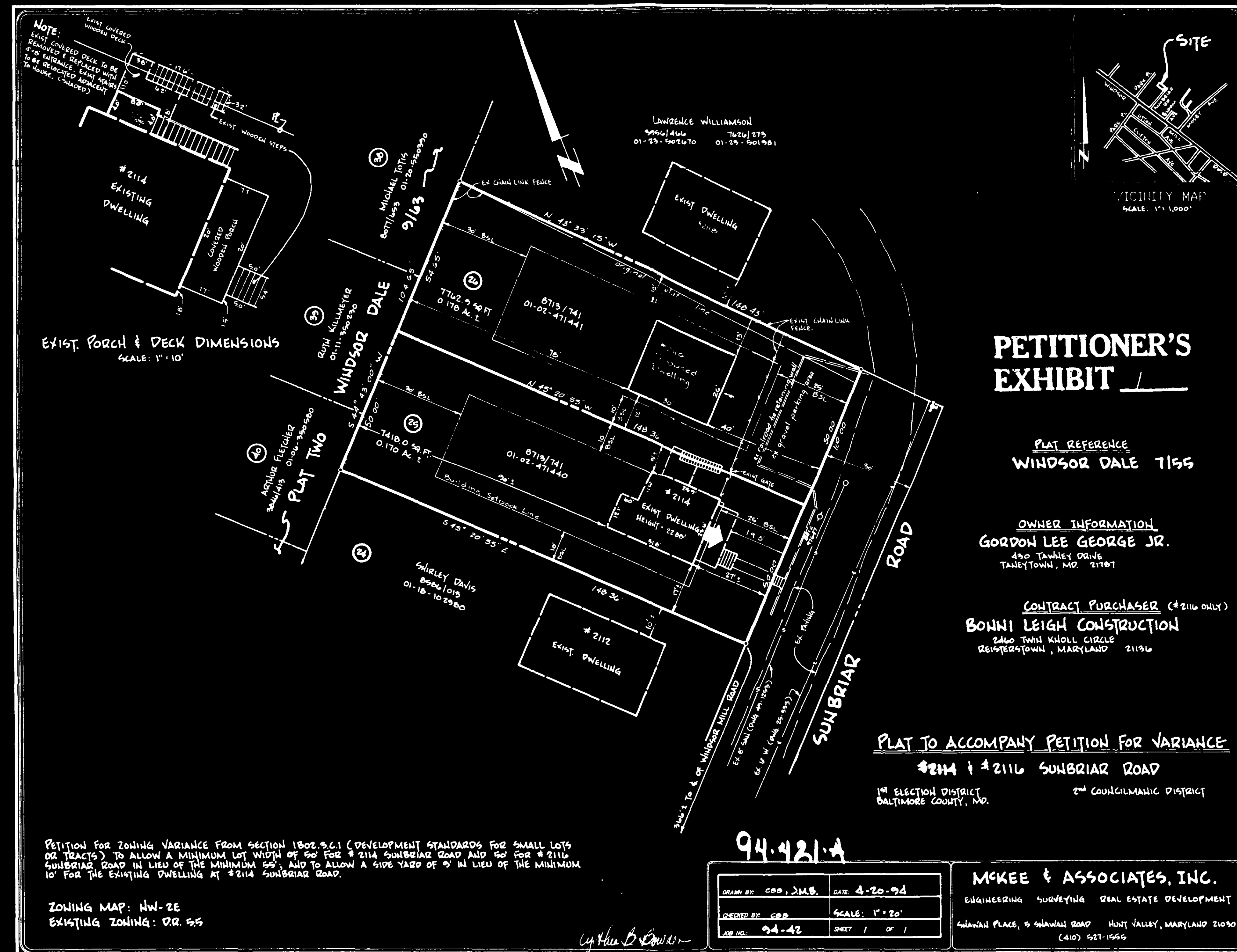
Signature: *430 Taney Dr 756 4630*

Signature: *Towson, Md 21287*

Signature: *Cynthia D. Bowden*



opposite side of street



4-22-94
94-421-A

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bodley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:
Gordon Lee George, Jr. (see below)

Let Address: 2114 Sunbriar Road, Election District 1, Council District 2, Square Feet 7418
Let Location: W 150' side of Sunbriar Road, 366' NE of c/l Windsor Mill Rd

Lead Owner: Gordon Lee George, Jr. Tax Parcel Number: 91-02-471440
Address: 430 Tawney Drive, Towson, Md 21201 Telephone Number: 756-4630

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

PROVIDED?	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Site Plan (Property (3 copies))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings: photograph	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (show rear of photo only): Adjoining Buildings Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:
☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Ervin McDaniel
Date: May 2, 1994

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 05/05/94

RECEIVED
MAY 6 1994
ZADM

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 603, 604, 605, 607, 608, 609, 610, 612, 613, AND 614.

RECEIVED
MAY 6 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RE: PETITION FOR VARIANCE
NW/8 Sunbriar Road, 366' NE
of c/l Windsor Mill Road
(2114 Sunbriar Road), 1st
Election Dist., 1st
Councilmanic Dist.

GORDON LEE GEORGE, JR.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 94-421-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. DeMilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Cynthia B. Bowden, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, Representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

94-421-A

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (410) 527-1555 HUNT VALLEY, MARYLAND 21030
FACSIMILE: (410) 527-1563

DATE: April 22, 1994

TO: Baltimore County RE: 2114 & 2116 Sunbriar Road

Planning Office

ATTENTION: Trv McDaniel

Gentlemen:

☐ We are submitting ☐ Herewith ☐ Under separate cover

☐ We are forwarding

☐ We are returning

No.	Description
1	Copy of zoning package as submitted for variance + form photographs

☒ For processing ☐ For your use

☒ For your review ☐ Please call when ready

☐ In accordance with your request ☐ Please return to this office

Remarks:

RECEIVED
APR 25 1994
OFFICE OF PLANNING & ZONING

For further information, please contact the writer at this office.

Very truly yours,
McKee & Associates Inc.
Cynthia B. Bowden, L.S.

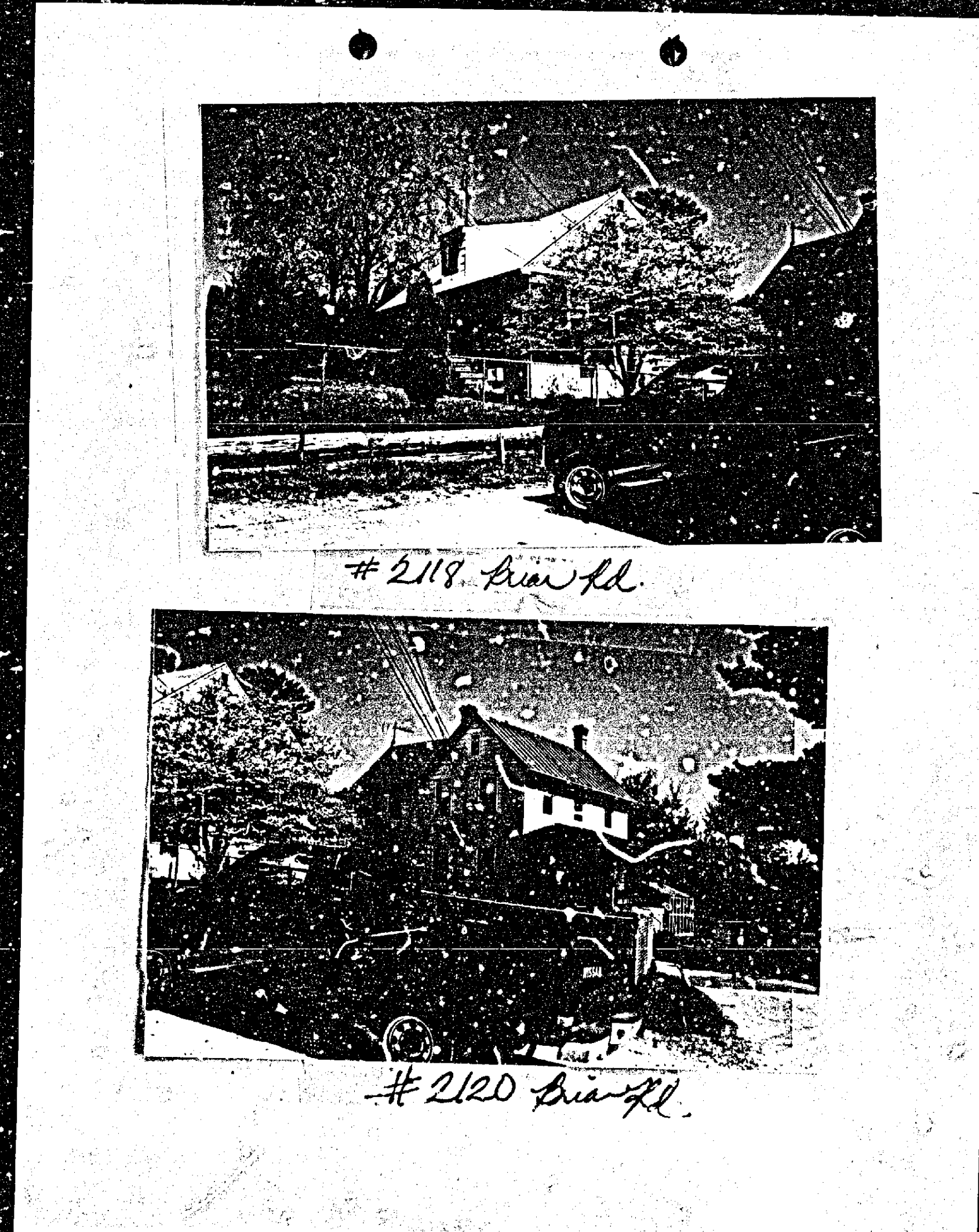
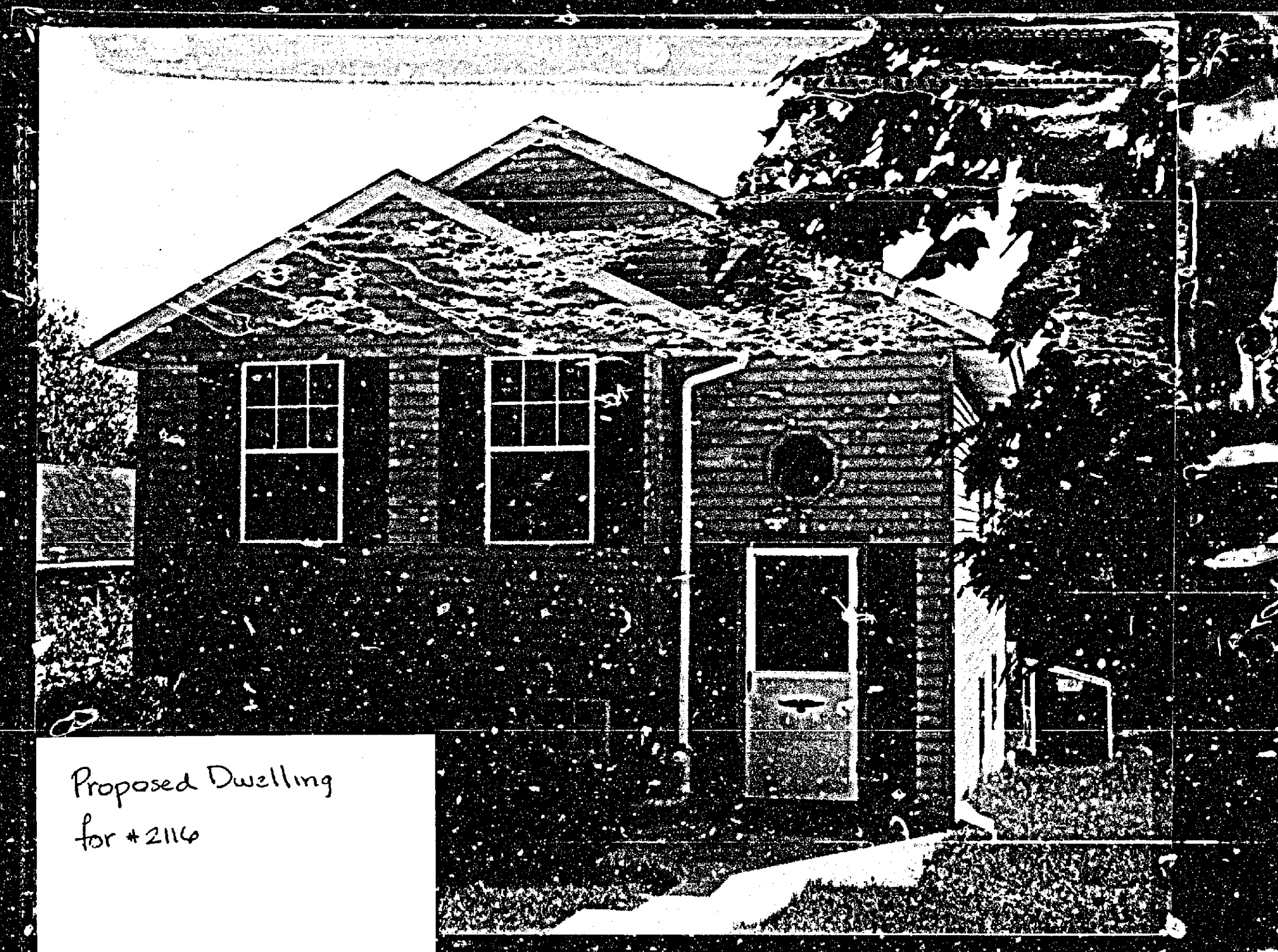
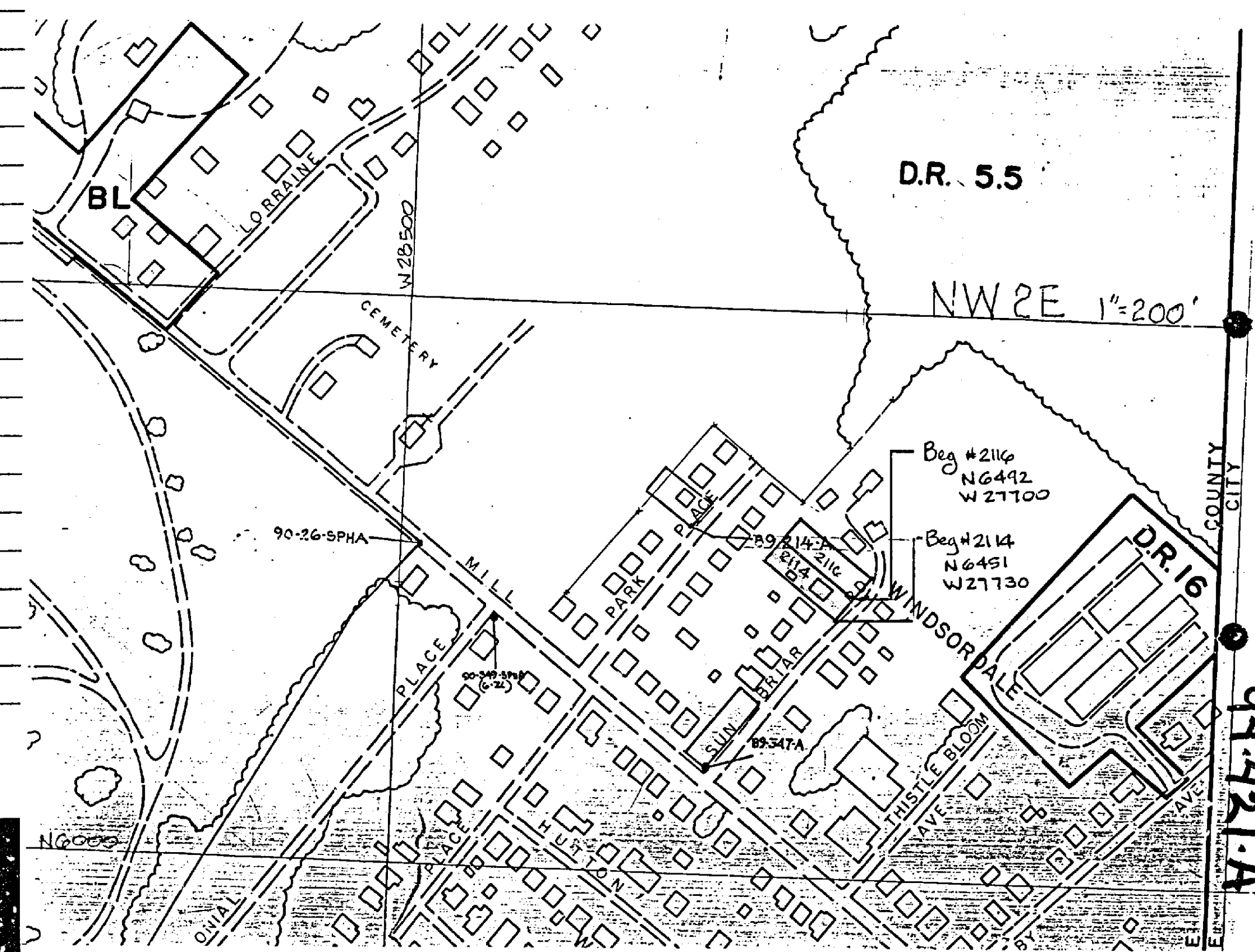
Enclosures

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Cynthia Bowden	Hunt Valley 21030
Ray L. George, Jr.	McKee Assoc. 5 Shawan Rd
Rick Kle	14 Coronet Dr. Linthicum, Md. 21090
	2460 Twin Knolls Circle Dr. 21136

94-421-A



94-421-A
receipt

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Item Number: 404
Taken in by: [Signature]

Date: 4-25-94
Gordon L. George
Site: 2114 Sunbriar Rd.
010 Residential Variance Meeting fee 50.00
080 Sign + posting 35.00
Total \$85.00

03AD37H015AM1CH6C \$85.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

94-421-A

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 404
Petitioner:
Location:
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Bonni Leigh Construction
ADDRESS: 2460 Twin Knoll Circle
Reisterstown Md 21136
* PHONE NUMBER: 239-6343

MUST BE SUPPLIED

94-421-A

TO: PUTNEY PUBLISHING COMPANY
May 12, 1994 Issue - Jeffersonian

Please forward billing to:
Bonni Leigh Construction
2460 Twin Knoll Construction
Reisterstown, Maryland 21136
239-6343

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-421-A (Item 404)
2114 Sunbriar Road
NW/8 Sunbriar Road, 366' NE of c/l Windsor Mill Road
1st Election District - 1st Councilmanic
Petitioner(s): Gordon Lee George, Jr.
HEARING: WEDNESDAY, JUNE 8, 1994 at 10:00 a.m. Rm. 118 Old Courthouse.

Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet); and to allow a side yard of 9 feet (instead of the minimum 10 feet) for the existing dwelling.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

94-421-A

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

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CASE NUMBER: 94-421-A (Item 404)
2114 Sunbriar Road
NW/8 Sunbriar Road, 366' NE of c/l Windsor Mill Road
1st Election District - 1st Councilmanic
Petitioner(s): Gordon Lee George, Jr.
HEARING: WEDNESDAY, JUNE 8, 1994 at 10:00 a.m. Rm. 118 Old Courthouse.

Variance to allow a minimum lot width of 50 feet (instead of the minimum 55 feet); and to allow a side yard of 9 feet (instead of the minimum 10 feet) for the existing dwelling.

Arnold Jablon, Director

cc: Gordon Lee George, Jr.
Kofee & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

May 31, 1994

Mr. Gordon Lee George, Jr.
430 Taney Drive
Towson, Maryland 21204

RE: Case No. 94-421-A, Item No. 404
Petitioner: Gordon Lee George, Jr.
Petition for Variance

Dear Mr. George:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 25, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 16, 1994
Item No. 404

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, this site, #2114 Sunbriar Road and Lot 28 (proposed #2116) create a minor subdivision, which will be subject to the Baltimore County Development Regulations, Divisions 3, 4 and 5. See Item #405 (#2116 Sunbriar Road).

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-6-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 404 (JSS)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. HAMSEY, ACTING CHIEF
John Conestable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2253 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: May 18, 1994

SUBJECT: 2114 and 2116 Sun Briar Road

INFORMATION:

Item Number: 404 and 405
Petitioner: Gordon Lee George, Jr.
Property Size: _____
Zoning: D.R. 5.5
Requested Action: _____
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Attached please find copies of comments dated May 2, 1994 which address this office's concerns regarding these companion cases.

Prepared by: Jeffery M. Long
Division Chief: Gary L. Kern
PK/JL:lw

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
NW/4 Sunbriar Road, 366' & 416' NE *
of the c/1 of Windsor Mill Road * DEPUTY ZONING COMMISSIONER
(2114 & 2116 Sunbriar Road)
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case Nos. 94-421-A and
Gordon Lee George, Jr. 94-422-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the subject properties known as 2114 and 2116 Sunbriar Road, located off of Windsor Mill Road in western Baltimore County. The Petitions were filed by the owner of the properties, Gordon Lee George, Jr., and the Contract Purchaser of 2116 Sunbriar Road, Ronni-Leigh Construction, by Rick Klein. In Case No. 94-421-A, the Petitioner seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road. In Case No. 94-422-A, the Petitioners seek relief from Sections 1802.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road. The subject properties and relief sought for each are more particularly described on the plans submitted into evidence as Petitioner's Exhibits 1.

Appearing on behalf of the Petitions were Gary L. George, Sr., Cynthia Bowden with McKee & Associates, Inc., and Rick Klein. There were no Protestants present.

Testimony revealed that the property known as 2114 Sunbriar Road, consists of 0.170 acres, more or less, zoned D.R. 5.5 and is improved with

a single family dwelling. The adjoining property, known as 2116 Sunbriar Road, consists of 0.178 acres, more or less, also zoned D.R. 5.5 and is presently unimproved. Both properties are located within the Windsor Dale subdivision which was recorded in 1922 and developed with 50-foot wide lots. The Petitions were filed in order to bring the properties into compliance with current regulations and to legalize existing conditions. Testimony indicated that the proposed dwelling at 2116 Sunbriar Road will be built to meet all setback requirements, with the exception of the lot width regulation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the lands and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 1994 that the Petition for Variance in Case No. 94-421-A seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 9 feet in lieu of the minimum required 10 feet for an existing dwelling at 2114 Sunbriar Road Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 94-422-A seeking relief from Sections 1802.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 2116 Sunbriar Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy N. Kotroco
TIMOTHY N. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Mr. Gordon Lee George, Jr.
430 Taney Drive
Towson, Maryland 21207

RE: PETITIONS FOR VARIANCE
NW/4 Sunbriar Road, 366' & 416' NE of the c/1 of Windsor Mill Road
(2114 & 2116 Sunbriar Road)
1st Election District - 1st Councilmanic District
Gordon Lee George, Jr. - Petitioner
Case No. 94-421-A and 94-422-A

Dear Mr. George:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy N. Kotroco
TIMOTHY N. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Ms. Cynthia B. Bowden
McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030

Mr. Rick Klein, Ronni-Leigh Construction
2460 Twin Knoll Circle, Reisterstown, Md. 21136

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2114 Sunbriar Road which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 (Development Standards for small lots or tracts) to allow a minimum lot width of 50' for #2114 Sunbriar Road and 50' for #2116 Sunbriar Road (instead of the minimum 55'); and to allow a side yard of 9' (instead of the minimum 10') for the existing dwelling at #2114 Sunbriar Road. Although owned by the same person, these two lots have always been noted in the deeds as two separate tracts of land, and in fact, have two separate addresses. The owner now wishes to sell the unimproved lot and the contract purchaser wants to construct a new dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person(s) (Name, Address, Phone No.)
Rick Klein
Ronni-Leigh Construction
2460 Twin Knoll Circle
Reisterstown, Maryland 21136
City State Zipcode
Attorney for Petitioner:
Cynthia B. Bowden
Deputy Zoning Commissioner
for Baltimore County

Gordon Lee George, Jr.
Signature
Type or Print Name
430 Taney Dr 756-4630
Towson, Md 21207
City State Zipcode
Cynthia B. Bowden
McKee & Associates, Inc. (410) 527-1555
Name
5 Shawan Road, Hunt Valley, MD 21030
Address
City State Zipcode

ESTIMATED LENGTH OF HEARING: 1/2 hr.
The following date: Next Two Months
ALL OTHER
REVIEWED BY: [Signature] DATE: 6/27/94
* See #405

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

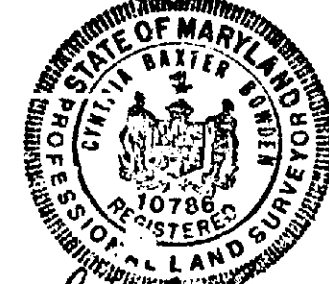
April 11, 1994

DESCRIPTION OF #2114-SUNBRIAR ROAD TO ACCOMPANY PETITION FOR ZONING VARIANCE
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the northwest right-of-way of Sunbriar Road (30 feet wide), approximately 366 feet northeast of the centerline of Windsor Mill Road, at the southernmost corner of Lot 25 as laid out and shown on plat of "Windsor Dale", filed January 11, 1923, and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, folio 55; thence running with and binding on Sunbriar Road and also running with and binding on said Lot 25, as now surveyed and referring all bearings of this description to the above mentioned plat; (1) North 44° 43' 00" East 50.00 feet to a point; thence leaving the road and running with and binding on said Lot 25, the three following courses, viz: (2) North 45° 20' 55" West 148.36 feet to a point; thence (3) South 44° 43' 00" West 50.00 feet to a point; and thence (4) South 45° 20' 55" East 148.36 feet to the beginning.

Containing 7,418.0 square feet, or 0.170 acres of land, more or less.

Being all of Lot 25 as shown on a plat of "Windsor Dale", filed January 11, 1923 and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, folio 55, also being known as 2114 Sunbriar Road.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: 14 days
Petitioner: Gordon Lee George, Jr.
Location of property: 2114 Sunbriar Rd., Md.
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning and Planning Board of Baltimore County, will hold a public hearing on the proposed Variance from the Zoning Regulations (B.C.Z.R.) for the property identified herein, in the House of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland, on Wednesday, June 8, 1994 at 10:00 a.m. in Room 118, Old Courthouse, and Washington Avenue, Towson, Maryland. Case #94-421-A (Item 404) 2114 Sunbriar Road, NW/4 Sunbriar Road, 366' & 416' NE of Windsor Mill Road, 1st Election District - 1st Councilmanic District (Petitioner): Gordon Lee George, Jr. Hearing: Wednesday, June 8, 1994 at 10:00 a.m. in Room 118, Old Courthouse. Variance to allow a minimum lot width of 50 feet in lieu of the minimum 55 feet; and to allow a side yard of 9 feet in lieu of the minimum 10 feet for the existing dwelling at 2114 Sunbriar Road. LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County. NOTES: (Hearings are held on case accessible for public access. For more information, please call 887-3391. Information concerning the file prior to filing, please call 887-3391. 9/18 May 12)

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/12/94

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12/94

THE JEFFERSONIAN,
A. H. Henkle
LEGAL AD. - TOWSON